

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**Charles Ellis, et al.,
Plaintiffs,**

v.

**Meigs County, OH, et al.,
Defendants.**

Case No. 2:24-cv-3124

Judge Michael H. Watson

Magistrate Judge Jolson

OPINION AND ORDER

Charles and Caleb Ellis (“Plaintiffs”) move to dismiss their claims against Defendants Meigs County, Donald Scott Fitch, Joshua Golsby, and William Frank Stewart under Federal Rule of Civil Procedure 21. ECF No. 21. The Court **GRANTS** that motion for the reasons below.

Under Rule 21, “the court may at any time, on just terms, add or drop a party” either “[o]n motion or on its own[.]” Fed. R. Civ. P. 21; *see also Espinosa v. First Advantage Background Servs. Corp.*, 343 F.R.D. 414, 415 (S.D. Ohio 2023) (“[T]he procedural vehicle for dropping fewer than all the claims or parties is Rule 21.” (citation omitted)). Before granting a Rule 21 motion to dismiss, “courts should consider Rule 41 standards as guidance for analyzing potential prejudice to the non-movants.” *Igo v. Sun Life Assurance Co. of Canada*, 652 F. Supp. 3d 929, 936 (S.D. Ohio 2023) (citation omitted). And, when considering prejudice pursuant to dismissal under Rule 41, “a court should consider such factors as the defendant’s effort and expense of preparation for trial, excessive


delay and lack of diligence on the part of the plaintiff in prosecuting the action, insufficient explanation for the need to take a dismissal, and whether a motion for summary judgment has been filed by the defendant.” *Grover v. Eli Lilly & Co.*, 33 F.3d 716, 718 (6th Cir. 1994) (citation omitted).

Here, no factor disfavors dismissing Plaintiffs’ claims against the above-named Defendants. The Court generally doubts that the sole-remaining Defendant (Marty Hutton, Jr.) will suffer any prejudice, given that all Defendants (including Hutton) have the same counsel, and that counsel approves Plaintiffs’ Rule 21 motion. The Court concludes that dismissing the above-named Defendants is warranted.

The Court thus **GRANTS** Plaintiffs’ motion to dismiss.

The Clerk shall terminate ECF No. 21 and terminate Meigs County, Donald Scott Fitch, Joshua Golsby, and William Frank Stewart as Defendants. Plaintiffs’ claims against Marty Hutton, Jr. remain pending.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT